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EXAMINER
PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2159	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/789,665	ROCHE ET AL.
Office Action Summary	Examiner	Art Unit	
	HUNG Q. PHAM	2159	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 November 2009</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-4,8,9,20,21,26-35 and 37-50</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-4,8,9,20,21,26-35 and 37-50</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/04/09</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/04/2009 has been entered.

Response to Arguments

<u>Claim Rejections - 35 USC § 112</u>

- Applicant's arguments with respect to the rejection of amended claims 1 and 2 under 35 U.S.C. § 112, 1st paragraph have been fully considered but they are not persuasive.

Amended claim 1 recites that *the selected product information includes data that is transmitted to the point of presentation from a server at a third network location in response to a user request for a Web-page, and wherein rendering of the Web-page by the point of presentation causes the point of presentation to transmit the data to the first network location.*

As admitted by the applicant, *the claimed "point of presentation," in one embodiment of the invention, may refer to a Web-page, the claimed term may carry other meanings, such as "the time at which products are presented."*

Neither the web page, nor the time at which products are presented has the function for displaying the web page and transmitting data, i.e., *rendering of the Web-page by the point of presentation* and *causes the point of presentation to transmit the data to the first network location*, at least in view of the Specification. Merchandising data is collected by executable codes of "mboxes" (Specification, Paragraph 0037) but not by the *point of presentation* as recited.

- Regarding claim 2, the claimed *point of presentation* is either web page or time as admitted by the applicant. Web page contains information. Time is information or data. The claimed *a presentation device* is hardware. Hardware is unable to be included in web page or time.

Claim Rejections - 35 USC § 102

- Applicant's arguments with respect to the amended feature of claim 1 have been fully considered but they are not persuasive.

As argued by applicant (Remarks, Page 12):

> The cited sections of Harrington do not teach or suggest all of the features of claim 1. For example, claim 1, as amended recites inter alia the following features which are not taught or suggested by the sections of Harrington relied on in the Office Action:
>
> > wherein ... data ... is transmitted ... from a server at a third network location in response to a user request for a Web-page, and wherein *rendering of the Web-page by the point of presentation causes the point of presentation to transmit the data to the first network location...*

The examiner respectfully disagrees.

As discussed above with respect to the rejection under 35 U.S.C. § 112, 1st paragraph, the claimed limitation *rendering of the Web-page by the point of presentation causes the point of presentation to transmit the data to the first network location* was not disclosed in the Specification. Merchandising data is collected by executable codes of "mboxes" (Specification, Paragraph 0037) but not by the *point of presentation* as recited.

Therefore, *the point of presentation* in the step of rendering is considered as being equivalent to executable codes in light of the Specification.

As taught by Harrington, a user is enable to connect to any of the websites 12a-g in FIG. 1, whereupon the user 11 would interact with the remote vendor website 23 using the commands and structured data hierarchy (Harrington, Col. 4-Lines 15-22). While reviewing the

products/services provided by the vendor 25, if the user wishes to order or purchase a

product/service, he/she clicks on a "purchase" icon or button (Harrington, Col. 4-Lines 26-29). If

the user activates the "purchase" button, a transaction notification in the form of a data packet

including product/service ordered, the price, availability and other identifying data relevant to the

user is transmitted to the database administration software 21. As the user navigates his or her

way through a number of vendor websites, multiple transaction notifications can be sent back to

the database administration software 21 by modified website software 24 (Harrington, Col. 4-

Lines 35-46). The transaction notifications in the form of data packets are recorded in a

database (Harrington, Col. 2-Lines 40-50). As shown in Harrington's FIG. 1 is the network

layout, wherein user, server and vendor sites are at different locations. The product/service

ordered, the price, availability and other identifying data is considered as being equivalent to the

claimed *merchandising data related to a product*. The product ordered, the price, availability is

considered as being equivalent to the claimed *selected product information*. The product ordered,

the price, availability including data corresponding to product ordered, the price, availability such

as product name, price value…

     The Harrington's teaching of sending a data packets to the database administration

software during navigating through a number of vendor websites reads on the claimed *the

selected product information includes data that is transmitted to the point of presentation from a server at a third

network location in response to a user request for a Web-page*, e.g., product ordered, the price,

availability including data corresponding to product ordered, the price, availability such as

product name, price value…is transmitted to the displayed web page at user site from vendor

site in response to user's navigation to the webpage corresponding to remote vendor, *wherein

rendering of the Web-page by the point of presentation causes the point of presentation to transmit the data to the

first network location*, e.g., transaction notifications are sent back to the database administration

software 21 and recorded in a database in the form of data packets during navigation by modified website software 24.

- Applicant's arguments with respect to claims 2-4 and 31 have been fully considered but they are not persuasive. Claims 2-4 and 31 depend from claim 1. Therefore, claims 2-4 and 31 are unpatentable over Harrington for at least the reasons as discussed above.

- Applicant's arguments with respect to the amended feature of claim 4 have been fully considered but they are not persuasive. Database 10 as taught by Harrington contains information of vendors. The Harrington's database 10 does not have identifying data relevant to the user. Identifying data relevant to the user is considered as *information related to the product prior to the storing step*.

- Applicant's arguments with respect to the amended feature of claims 8, 9 and 32 have been fully considered but they are not persuasive. Claim 8 is unpatentable over Harrington as discussed above with respect to claim 1. Claims 9 and 32 depend from claim 8. Therefore, claims 9 and 32 are unpatentable over Harrington for at least the same reasons.

- Applicant's arguments with respect to the amended feature of claims 20, 21 and 33 have been fully considered but they are not persuasive. Claim 20 is unpatentable over Harrington as discussed above with respect to claim 1. Claims 21 and 33 depend from claim 20. Therefore, claims 21 and 33 are unpatentable over Harrington for at least the same reasons.

- Applicant's arguments with respect to the amended feature of claims 26-30 have been fully considered but they are not persuasive. Claim 26 is unpatentable over Harrington as discussed above with respect to claim 1. Claims 27-30 depend from claim 26. Therefore, claims 27-30 are unpatentable over Harrington for at least the same reasons.

- Applicant's arguments with respect to the amended feature of claims 34, 35 and 38-40 have been fully considered but they are not persuasive. Claim 34 is unpatentable over Harrington as discussed above with respect to claim 1. Claims 35 and 38-40 depend from claim 34. Therefore, claims 35 and 38-40 are unpatentable over Harrington for at least the same reasons.

- Applicant's arguments with respect to claims 29 and 37 have been fully considered but they are not persuasive. Claims 39 and 37 depend from claims 26 and 34. Therefore, claims 29 and 37 are unpatentable over Harrington for at least the same reasons.

- Applicant's arguments with respect to new claims 41-50 have been fully considered. Claim 41-50 are unpatentable over Harrington for at least the reasons as discussed with respect to claims 1, 8, 20, 26 and 34.

Claim Objections

Claims 37-39 are objected to because of these claims depend from a canceled claim, i.e., claim 36. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 42, 44, 46, 48 and 50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As recited in claims 1 and 20, the claimed limitation, *rendering of the Web-page by the point of presentation causes the point of presentation to transmit the data to the first network location*, was not described in the specification.

Regarding claim 2, the claimed limitation, *the point of presentation comprises a presentation device at the second network location on which the product is presented*, was not described in the specification.

Regarding claims 42, 44, 46, 48 and 50, the claimed limitation *determining a number or times the Web-page has been rendered based on said obtained merchandising data* was not disclosed in the Specification. As disclosed in the Specification, the Logger 244 may keep track of the number of times a product has been displayed but not *based on said obtained merchandising data* as recited. For

at least the reasons as discussed, claims 42, 44, 46, 48 and 50 will be examined in light of the

Specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

Claims 1-4, 8, 9, 20, 21, 26-28, 30-35 and 38-40 are rejected under 35 U.S.C. 102(b)

as being anticipated by Harrington [USP 5,895,454].

Regarding claims 1, 20 and 34, Harrington teaches a method and program for *populating*

a merchandising product database, comprising:

obtaining merchandising data related to a product from a point of presentation at a second network

location, the obtaining step comprising acquiring selected product information from at least one user interaction

at the point of presentation (As disclosed by Harrington, a user is enable to connect to any of the

websites 12a-g in FIG. 1, whereupon the user 11 would interact with the remote vendor website

23 using the commands and structured data hierarchy (Harrington, Col. 4-Lines 15-22). While

reviewing the products/services provided by the vendor 25, if the user wishes to order or

purchase a product/service, he/she clicks on a "purchase" icon or button (Harrington, Col. 4-

Lines 26-29). If the user activates the "purchase" button, a transaction notification in the form of

a data packet including product/service ordered, the price, availability and other identifying data

relevant to the user is transmitted to the database administration software 21. As the user

navigates his or her way through a number of vendor websites, multiple transaction notifications
can be sent back to the database administration software 21 (Harrington, Col. 4-Lines 35-46).
The transaction notifications in the form of data packets are recorded in a database (Harrington,
Col. 2-Lines 40-50). As shown in Harrington's FIG. 1 is the network layout, wherein user, server
and vendor sites are at different locations. The product/service ordered, the price, availability
and other identifying data is considered as being equivalent to the claimed *merchandising data
related to a product*. The product ordered, the price, availability is considered as being equivalent
to the claimed *selected product information*. The displayed web site including ordered
product/service, price, availability and other identifying data with "purchase" button at user site is
considered as being equivalent to *a point of presentation at a second network location* or *the point of
presentation with a presentation medium*. In short, the Harrington's technique as discussed indicates
the step of *obtaining merchandising data related to a product from a point of presentation at a second network
location*, e.g., ordered product, price, availability and other identifying data is obtained in the form
of data packet from the displayed web page at user site, *the obtaining step comprising acquiring
selected product information from at least one user interaction at the point of presentation with a presentation
medium*, e.g., the obtaining of ordered product, price, availability and other identifying data
comprising acquiring ordered product, price, availability data from the activation of "purchase"
button at the displayed web page on user's monitor),

    *wherein the selected product information includes data that is transmitted to the point of presentation
from a server at a third network location in response to a user request for a Web-page*, e.g., product ordered,
the price, availability including data corresponding to product ordered, the price, availability such
as product name, price value…is transmitted to the displayed web page at user site from vendor
site in response to user's navigation to the webpage corresponding to remote vendor and

    *wherein rendering of the Web-page by the point of presentation causes the point of presentation to
transmit the data to the first network location*, e.g., transaction notifications are sent back to the

database administration software 21 and recorded in a database in the form of data packets
during navigation by modified website software 24;

storing at least part of the obtained merchandising data in the merchandising product database at the
first network location (As shown in FIG. 1, the database 10 is merchandising product database at the first
network location. Harrington further teaches that the transaction notifications in the form of data
packets are recorded in a database (Harrington, Col. 2-Lines 40-50). In short, the ordered
product, the price, availability and other identifying data that is obtained via transaction
notification in the form of a data packet is stored in database 10 (Col. 4 Lines 9-15)),

the storing comprising collecting the selected product information in the merchandising product
database (Storing of ordered product/service, the price, availability and other identifying data
comprising collecting ordered product, the price, availability data in database 10).

Regarding claims 2 and 21, Harrington teaches all of the claimed subject matter as
discussed above with respect to claims 1 and 20, Harrington further discloses the point of
presentation comprises a presentation device at the second network location on which the product is presented
(FIG. 1, a presentation device such as a monitor is an inherited feature of user 11).

Regarding claim 3, Harrington teaches all of the claimed subject matter as discussed
above with respect to claim 1, Harrington further discloses the selected product information comprises
data about the product rendered at the point of presentation at the second network location (Col. 4 Lines 35-
50).

Regarding claim 4, Harrington teaches all of the claimed subject matter as discussed
above with respect to claim 1, Harrington further discloses the claimed limitation the

merchandising product database does not have information related to the product prior to the storing step (Col.
4 Lines 35-50).

Regarding claim 8, Harrington teaches a merchandising database system at a first
network location (FIG. 1), comprising:

an interface configured to be coupled to a network (As shown in Harrington's FIG. 2,
DATABASE ADMIN 21 is *an interface configured to be coupled to a network*) and

to obtain selected product data related to a product presented at a second network location on a
Web-page served by a server at a third network location (As disclosed by Harrington, a user is
enable to connect to any of the websites 12a-g in FIG. 1, whereupon the user 11 would
interact with the remote vendor website 23 using the commands and structured data
hierarchy (Harrington, Col. 4-Lines 15-22). While reviewing the products/services
provided by the vendor 25, if the user wishes to order or purchase a product/service,
he/she clicks on a "purchase" icon or button (Harrington, Col. 4-Lines 26-29). If the user
activates the "purchase" button, a transaction notification in the form of a data packet
including product/service ordered, the price, availability and other identifying data
relevant to the user is transmitted to the database administration software 21. As the
user navigates his or her way through a number of vendor websites, multiple transaction
notifications can be sent back to the database administration software 21 (Harrington,
Col. 4-Lines 35-46). The Harrington's teaching indicates the Browser Application is to
obtain selected product data related to a product presented at a second network location on a Web-page
served by a server at a third network location, e.g., ordered product, price, availability and other
identifying data related to a product presented at user site is obtain in the form of data
packet from the activation of "purchase" button at user site with a web page served by
the vendor server at vendor site),

wherein the selected product data includes data that is transmitted to the second network location from the server at the third network location in response to a user request for the Web-page, e.g., product ordered, the price, availability including data corresponding to product ordered, the price, availability such as product name, price value…is transmitted to the displayed web page at user site from vendor site in response to user's navigation to the webpage corresponding to remote vendor and

wherein rendering of the Web-page by the point of presentation causes the point of presentation to transmit the data to the interface, e.g., transaction notifications are sent back to the database administration software 21 and recorded in database 10 in the form of data packets during navigation by modified website software 24;

a storage device configured to store at least part of the selected product data at the first network location (The transaction notifications in the form of data packets are recorded in a database at server site (Harrington, Col. 2-Lines 40-50)).

Regarding claim 9, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 8, Harrington further discloses *the interface is configured to obtain the selected product data directly from a presentation device on which the Web-page is presented at the second network location* (Col. 4 Lines 35-50).

Regarding claim 26, Harrington teaches a method for populating a merchandising product database located at a first network location, comprising:

rendering in response to user interaction with an interactive catalog, at least a portion of the interactive catalog at a second network location (A hierarchical menu is displayed for querying (Col. 5 Lines 25-47). A list of vendor websites is provided according to the query and the user is connected to a selected vendor website using command (Col. 4 Lines 12-22). The Harrington teaching indicates the step of *rendering in response to user interaction with an interactive catalog,* e.g., in response

to user interaction with the hierarchical menu, *at least a portion of the interactive catalog at a second network location*, e.g., the selected vendor website is rendered at the user site),

wherein content of the rendered portion includes selected data related to one or more products displayed by the rendered portion of the interactive catalog (The content of the selected vendor website includes selected data related to the product displayed at the selected vendor website, e.g., information related to product ordered, the price, availability... (Col. 4 Lines 23-50)), and

wherein the content is obtained by the second network location from one or more source product databases at a third network location in response to the user interaction with the interactive catalog (As discussed above, the content of the selected vendor web site is obtained by the user from the vendor site in response to user interaction with the hierarchical menu);

wherein said rendering causes a device at the second network location to communicate the selected data related to the products from the second network to the merchandising product database at the first network location such that the selected data is communicated from the source product databases to the merchandising product database by way of the second network location without requiring a direct data transfer between the source product databases at the third network location and the merchandising product database at the first network location (Col. 4 Lines 35-50 and Col. 7 Lines 1-11); and

modifying the merchandising product databases using the selected data such that the databases include a representation of the selected data (Col. 7 Lines 1-11).

Regarding claim 27, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 26, Harrington further discloses *information from the source product databases is communicated to the merchandising product database through the interactive catalog* (Col. 5 Lines 25-47 and Col. 4 Lines 12-22).

Regarding claim 28, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 26, Harrington further discloses *the selected data comprises parameters embedded within the rendered portion of the interactive catalog* (Col. 4 Lines 35-50).

Regarding claim 30, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 26, Harrington further discloses *the selected data comprises a product description* (Col. 4 Lines 35-50).

Regarding claims 31-33, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 1, 8 and 20, Harrington further discloses *the selected product information comprises portions of the Web-page specified by the third network location for storage at the merchandising database at the first network location* (Col. 4 Lines 35-50).

Regarding claim 35, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 34, Harrington further discloses *presentation medium comprises device executable code that causes said presentation device to automatically transmit said product data to said first network location upon rendering of said Web-page on said presentation device* (Col. 4 Lines 35-50).

Regarding claim 38, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 36, Harrington further discloses *product data comprises a product description* (Col. 4 Lines 35-50).

Regarding claim 39, Harrington teaches all of the claimed subject matter as discussed above with respect to claim 36, Harrington further discloses *product data comprises parameters*

specified by said third network location for storage at said merchandising product database at said first network

location (Col. 4 Lines 35-50).

Regarding claim 40, Harrington teaches all of the claimed subject matter as discussed

above with respect to claim 39, Harrington further discloses the step of *storing said parameters in*

said merchandising product database contemporaneously with said rendering of said Web-page (Col. 4 Lines

35-50).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Harrington [USP 5,895,454] in view of Musgrove et al. [USP 6,535,880 B1].

.

Regarding claims 29 and 37, Harrington teaches all of the claimed subject matter as discussed above with respect to claims 26 and 36, but does not explicitly teach *the selected data comprises a product identification*.

Musgrove teaches *the selected data comprises a product identification* (Musgrove, Col. 7 Lines 1-5).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to include product identification in the selected data in order to keep track the product orders.

Claims 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrington [USP 5,895,454] in view of Trubey et al. [US 2002/0077930 A1].

Regarding claims 41, 43, 45, 47, 49, Harrington teaches all of the claimed subject matter as discussed above with respect to claims 39, 1, 45, 20 and 28, Harrington further discloses *said parameters comprise at least one of a Uniform Resource Locator (URL) of the Web-page* (Harrington, Col. 4- Lines 8-12), except *a URL of an image of the product*.

Trubey teaches *a URL of an image of the product* is stored at merchandising database (Trubey, Paragraph 0147).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include *URL of an image of the product* in Harrington's database in order to display the product image to the user.

Regarding claims 42, 44, 46, 48 and 50, Harrington teaches all of the claimed subject matter as discussed above with respect to claims 34, 1, 8, 20 and 26, but fails to teach the step of *determining a number or times the Web-page has been rendered based on said obtained merchandising data*.

Trubey teaches the step of *determining a number or times the Web-page has been rendered* (Trubey, Paragraph 0167).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to include the times or rendering as taught by Trubey into Harrington method, system and program in order to prioritize the product display.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES K. TRUJILLO can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HUNG Q. PHAM
Primary Examiner
Art Unit 2159

/HUNG Q. PHAM/
Primary Examiner, Art Unit 2159

December 31, 2009